

Court of Appeals, State of Michigan

ORDER

Benjamin Joseph Allison v Dept of Corrections

Docket No. 294281

LC No. 81-023561-FY

Peter D. O'Connell
Presiding Judge

Kathleen Jansen

Christopher M. Murray
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. MCR 3.303(A)(2) plainly allows an action for habeas corpus to inquire into the cause of a person's detention to be brought in this Court only if it is shown that no judge in the county in which the prisoner is detained is "empowered and available to issue the writ" or "that the judicial circuit for that county has refused to issue the writ." Cf. *Moses v Dep't of Corrections*, 274 Mich App 481, 484; 736 NW2d 269 (2007) ("this Court has jurisdiction to entertain an action for habeas corpus to inquire into the cause of detention where, as here, the judge in the county where the prisoner was detained refuses to issue the writ").

The motion to change venue is also DENIED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 23 2010

Date

Sandra Schultz Mengel
Chief Clerk